

REMARKS

The claims have been amended as indicated above. The amendments are being made to clarify the invention. The amendments are being made without prejudice and applicants reserve all rights and arguments. The amendments are fully supported by the specification, claims, and figures as originally filed. No new matter is believed or intended to be involved.

The Office Action rejected claims 19-25. Applicants appreciate the Examiner's explanation for the basis of the rejection:

Regarding the rejections of claims 19 and 21-28 under 35 USC 103(a) over Herzenberg et al. in view of Miller, Applicant's arguments are not persuasive because the limitation "transverse cross section" does not imply a cross section only along a line A (page 9 of Applicant's "REMARKS"). Using broadest reasonable interpretation of claim terminology, the limitation "transverse cross section" includes a cross section wherein line A could be inclined with respect to the longitudinal axis of the shape, in which case the transverse cross section would be noncircular.

Applicant's arguments with respect to the rejections of claims 19 and 26-27 under 35 USC 103(a) over McLaughlin et al. in view of Cartwright et al. are not persuasive for the same reason as discussed above.

(Office Action at 7). In an effort to address the Examiner's concerns, the present amendment to independent claim 19 makes clear that the cross-section is orthogonal to the longitudinal axis and therefore cannot be inclined. Accordingly, the amendment should place the claim in a condition for allowance. Reconsideration is requested.

Claims 20-25 should also be in a condition for allowance by depending from allowable independent claim 19. Applicants note, however, that the dependent claims recite further limitations that distinguish over the art of record.

The Office Action rejected claim 32 under 35 U.S.C. 102(e) as being anticipated by Aikins et al. (US 2003/0040748 A1). While Applicants disagree with this rejection, independent claim 32 now recites "a body comprising a riser and a first targeting guide extending laterally from the riser, the riser attachable to the bone plate adjacent the first bone location and the first

targeting guide being spaced from the bone plate when the riser is attached to the bone plate.” In contrast, the cited portions of Aikins plainly do not have the riser and targeting guide structure as currently recited. Since these and other features recited in independent claim 32 are not taught or suggested in the cited portions Aikins, claim 32 is novel over Aikins and should be in a condition for allowance. Reconsideration is requested.

Claims 33-37 should also be in a condition for allowance by depending from allowable independent claim 32. Applicants note, however, that the dependent claims recite further limitations that distinguish over the art of record.

Based on the foregoing, all of the pending claims are in a condition for allowance. Applicants traverse all rejections and request reconsideration, and Applicants request an early notice of allowability.

Respectfully submitted,

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